IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 22165 of 2007(L)

PETITIONERS:
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1. Dhanya.T.R., D/o.T.C.Raman,
aged 21, Thamarachira (House), Kenichira.P.O.,
Wayanad District.

2. Feizal.A.N., S/o.Abdul Nazar, aged 22,
Febizal Villa, Adinadu South,
Kaathil Kadavu.P.O., Karunagappally.

3. Nasreem Valugothi, S/o.Moosa.T., aged 21,
Vakgathi House, Bada, Mixicoi Island,
Lakshadweep.

4. Sushmita Das, D/o.B.N.Das, aged 20,
Ancofed, Portblair,
Andaman & Nicobar Islands.

5. Nishanth.B., S/o.K.P.Bhagavad Singh,
aged 21, South Park Apartments, Thrissur District.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS:
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1. State of Kerala represented by its Secretary,
Health and Family Welfare Department, Trivandrum.

2. The Calicut University, represented by itself
Registrar, Calicut University.P.O., Calicut.

3. The Controller of Examination,
Calicut University.P.O., Calicut.

4. The Principal, Government Medical College, Thrissur.

BY STANDING COUNSEL SRI.P.C.SASIDHARAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/7/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 22165 OF 2007 - L

Dated this the 18th day of July, 2007

J U D G M E N T

The petitioners are students of 2nd Year M.B.B.S. in Thrissur Medical College. They joined the M.B.B.S.course on 1.9.2004. They failed in the Ist Year M.B.B.S.Examination in the first chance and passed the supplementary examination. Therefore, they were required to join the additional batch to continue their studies for the second year. Accordingly, they were so continuing. In the mean while, the regular batch completed the 2nd Year M.B.B.S.course and their examination is slated to be conducted on 20.7.2007. The petitioners who are in the additional batch seek permission to write the examination along with the regular batch. Accordingly, the petitioners have approached this Court seeking the following reliefs:-

> "(i) issue a writ of mandamus, other writ, order or direction compelling the respondents 2 to 4 to issue hall tickets to the petitioners and permit them to appear.

> (ii) issue such other writ, order or direction as may be necessary in the interest of justice."

The contention of the petitioners is that the only requirement for writing the examination is to have sufficient attendance for the course which the petitioners have already obtained. The petitioners also rely on the recommendations of the Principal, the Co-ordinator of the 2nd year M.B.B.S. Examination as well as the Chairman of the Board of Studies as Exts.P1 to P3.

2. The learned Standing Counsel for the University opposes the prayer. According to the Standing Counsel, the regular batch and additional batch are two separate batches for whom examinations are conducted separately and the additional batch cannot write the examination along with regular batch.

3. I have considered the rival contentions in detail. At a time when the standard of education is

steadily going down in this State, the circumstances warrant a very strict approach to matters relating to education and writing of examination. Admittedly, the petitioners have failed in first chance for the Ist Year M.B.B.S. and have been studying for the 2nd Year M.B.B.S. course in a separate stream as an additional batch. Examinations are being conducted for them separately. The petitioners happened to obtain sufficient attendance only because of the late conducting of examinations for the regular batch. That does not give them any right since they are coming through a separate stream of additional batch, to write the examination along with the regular batch. The additional batch has to write examination when examinations are slated for them.

In the above circumstances, I am not inclined

to entertain this writ petition and the same is dismissed.

Issue photo copy of this judgment today itself.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007